

### **REMARKS**

The Office Action mailed March 9, 2005 has been reviewed and carefully considered.

Initially, applicant acknowledges the Examiner's indication of allowable subject matter. In particular, claims 35-37 are allowed. Dependent claims 10, 14, 16, 17, 20 and 29 have also been indicated as allowable.

Claims 3-5, 12 and 13 have been canceled without prejudice. Claims 1, 6-8, 10, 11, and 14 - 17 have been amended. Claims 1, 2, 6-11, and 14-35 remain pending in this application. Separate sheets are attached showing the amendments to the claims in underline/bracket format.

Reconsideration of the above-identified application, as herein amended and in view of the following remarks, is respectfully requested.

Claims 1, 3-9, 11-13, 18, 21, 22, 24, 26, 27, and 28-30 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,648,496 to Elghoroury et al. (hereinafter the '496 patent).

The Examiner has cited the '496 patent for reciting, inter alia, "said battery source is activated to power said light source upon detection of AC power loss through said AC power connector (col 5, lines 10-25)." Applicant respectfully disagrees with the Examiner and directs the Examiner's attention to Col. 4, line 57 through Col. 5, line 10 of the '496 patent. Here the applicant makes it very clear that the battery source embodiment is used "instead of the prongs" for AC connection. The applicant goes further to say "....since the nightlight is not limited for use in environments where

electrical outlets are available....". Thus, there is no disclosure or suggestion for using the battery power supply as a backup to a power loss condition.

This recitation of the '496 patent clearly teaches away from applicant's claimed invention in amended independent claims 1 and 11, and original independent claims 18, 22 and 30. Withdrawal of all rejections based on this reference is respectfully requested.

With respect to amended independent claim 1, it recites a battery power source and the power sensor which operates to switch to battery power supply in the event of AC power failure. In view of the teachings of the '496 patent, withdrawal of the rejection is respectfully requested.

Independent claim 12 further recites a controller for enabling the switch to battery power in the event of a sensed AC power failure. Again, the '496 patent fails to disclose or suggest this feature of applicant's claimed invention.

Independent claim 18, as originally filed, also includes a sensor for detecting the AC power failure. Withdrawal of all rejections for claims 1, 12, 18 and all dependent claims thereon, is respectfully requested.

Independent claim 22, as originally filed, recites, inter alia, a "power failure" light source in addition to "light source". Neither the '496 patent, nor the '117 patent, taken singly or in any combination disclose or suggest these features of the present invention.

Independent claim 30, as originally filed, recites, inter alia, "means for detecting presence of power on the AC connector" and means for switching from AC to battery power when no AC power is detected. Once again, neither the '496 patent, nor

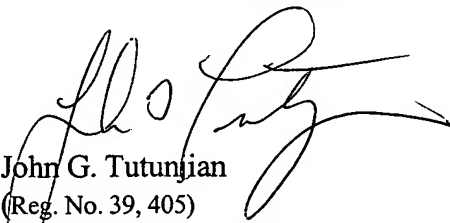
the '117 patent, taken singly or in any combination disclose or suggest these features of the present invention.

Claims 2, 15, 19 and 23 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,648,496 to Elghoroury et al. (hereinafter the '496 patent) in further view of U.S. Patent No. 6,171,117 to Chien (hereinafter the '117 patent).

In view of the foregoing distinction between the '496 patent and the present invention, as claimed, the combination of the teachings of the '117 patent with those of the '496 patent also fail to disclose each of the claimed features of the invention. Withdrawal and early allowance on the merits of all pending claims is respectfully requested.

It is believed that no additional fees or charges are currently due. However, in the event that any additional fees or charges are required at this time in connection with the application, they may be charged to applicant's representatives Deposit Account No. 50-1433.

Respectfully submitted,  
KEUSEY, TUTUNJIAN & BITETTO, P.C.



John G. Tutunjian  
(Reg. No. 39, 405)  
14 Vanderventer Avenue, Suite 128  
Port Washington, New York 11050  
(516) 883-3868

Dated: May 27, 2005